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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,446	10/24/2000	Carey B. Fan	M-8917 US	3917
32605	7590	09/28/2007	EXAMINER	
MACPHERSON KWOK CHEN & HEID LLP			NALVEN, ANDREW L	
2033 GATEWAY PLACE			ART UNIT	PAPER NUMBER
SUITE 400			2134	
SAN JOSE, CA 95110				
MAIL DATE		DELIVERY MODE		
09/28/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/696,446	FAN ET AL.
	Examiner	Art Unit
	Andrew L. Nalven	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 9/6/07.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6,8,9,11-14,16-22,24-28 and 30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) \_\_\_\_\_ is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 24 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____. _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
2. Claims 7 and 10 have been cancelled.
3. Claims 1-6, 8, 9 and 11-30 are pending.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-6, 8-9, 15-24, and 29-30 have been considered but are moot in view of the new ground(s) of rejection.
5. Applicant's arguments regarding claims 11 and 25 are not persuasive. Applicant has argued that Chern and Phelan fail to teach determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to an action identified by the message. Examiner respectfully disagrees. Chern teaches determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to an action identified by the message (Chern, column 4 line 57 – column 5 line 8) by teaching the sending of location data that is used for determining driving directions. The location of the mobile user is relevant to the action requested by the message because the location is utilized

by the server in order to determine driving directions. As a result, Examiner maintains the rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 1-6, 8-9, 11,16-22, 24, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al US Patent No. 6,456,854 in view of Phelan US Patent No. 6,240,360 and MacDoran et al US Patent No. 5,757,916.**

7. **In regards to claims 1 and 17,** Chern discloses a method and system for tracking mobile telephone devices (Chern, column 1 line 57-59), generating a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device (Chern, column 4, lines 47-48). Chern fails to specifically disclose attaching to an overhead portion of the message an automatically generated location stamp indicating the geographical location of the mobile device as an origin of the message and confirming an identity of a sender of the message based on the location stamp. However, Phelan teaches attaching to an overhead portion of the message an automatically generated location stamp indicating the geographical location of the mobile device as an origin of the message (Phelan,

column 7 line 65 – column 8 line 38, adds HTTP header line including GPS location to its request messages). Further, MacDoran teaches confirming an identity of a sender of the message based on the location stamp (MacDoran, identity of a remote user entity is authenticated by use of location information, column 28 lines 45-51). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Phelan's method of adding location information to HTTP headers and MacDoran's method of authenticating using location because it offers the advantage of allowing communication with millions of hosts and servers because they use the standard HTTP protocol (Phelan, column 1 lines 15-35) and allowing additional web based services which rely upon location data (Phelan, column 1 line 62 – column 2 line 8) and because it offers the advantage of making spoofing of authentication information difficult because it is constantly changing (MacDoran, column 1 lines 5-20).

**In regards to claim 2, 3, 18 and 20,** Chern as modified discloses the system uses a GPS

which determines location in terms of parameters such as latitude, and longitude (Chern: column 4, lines 23-29).

**In regards to claim 4,** Chern as modified discloses an application, which provides driving directions to the user (Chern: column 4, lines 57-67).

**In regards to claims 5, 6, 21, and 22,** Chern as modified discloses the user request the business or service type vocally or via keypad entry (see column 5, lines 13-14).

**In regards to claims 8 and 23,** Chern as modified discloses "the handset user requests driving directions to the destination, and the handset relays the requests to the server" (see column 4, liens 58-60).

**In regards to claims 9, 19, and 24,** Chern as modified discloses a mobile telephone (Chern: column 1 , lines 57-59).

**In regards to claim 11 and 25,** Chern as modified teaches determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to an action identified by the message (Chern, column 5, lines 20-23).

**In regards to claims 16 and 30,** Chern as modified discloses a first receiver at the web server that receives the GPS location information from the mobile unit and the recorder which stores the latitude and longitude information received from the mobile unit. The Browser device connects the to web server and accepts the transmission f the GPS information from a second receiver. The display presents

the GPS information on the display of the browser device (Chern: column 8, lines 21-42).

**Claims 12-14, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al US Patent No. 6,456,854, Phelan US Patent No. 6,240,360, and MacDoran et al US Patent No. 5,757,916 as applied to claims 1 and 17 above, and further in view of U.S. Patent No. 6,067,529 to Ray et al.**

Chern as modified discloses a method and system from tracking mobile telephone devices (Chern: column 1 line 57-59). Chern discloses that when a user requests information the hand set provides the location of the handset to the server (Chern: column 4, lines 47-48). Chern, however, does not disclose "wherein the action is a delivery," "a charge to an account," or "the charge is a credit card charge."

Referring to the instant claims, Ray teaches that when a consumer makes a purchase, the sales terminal can generate a short message along with the detailed purchase information (see Abstract). A menu can be displayed on the phone and the consumer can select the desired credit card number and request a receipt. The credit card number can be sent along with the transport address or alias address to the sales terminal for authorization of the credit card number (Ray: column 3, lines 52-67, column 4, lines 1-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine the method of sending a location identifier with a request from a mobile phone as disclosed in Chern with the method of sending a credit card number across a mobile phone as disclosed in Ray. One of ordinary skill in the art would have been motivated to combine the method of sending a location identifier with a request from a mobile phone as disclosed in Chern with the method of sending a credit card number across a mobile phone as taught in Ray in order to provide substantially immediate purchase information to consumers in a paper-less environment (see Ray column 2, lines 5-7).

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Nalven

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER